

**IN THE UNITED STATES  
DISTRICT COURT FOR THE  
DISTRICT OF SOUTH CAROLINA**

**IN RE: AQUEOUS FILM-FORMING  
FOAMS PRODUCTS LIABILITY  
LITIGATION**

**Master Docket No.: 2:18-mn-2873-RMG**

**THOMAS E. MCKINNON, et al.,**

**Civil Action No.: 2:22-CV-04557-RMG**

*Plaintiffs,*

*v.*

***APPLIED INDUSTRIAL TECHNOLOGIES,  
et al.***

---

**DEFENDANT KESTER, LLC'S NOTICE OF NO OPPOSITION TO ITS MOTION FOR  
DETERMINATION OF GOOD FAITH SETTLEMENT**

PLEASE TAKE NOTICE that no party has filed an opposition to Defendant Kester, LLC's ("Kester") Motion for Determination of Good Faith Settlement under California Code of Civil Procedure section 877.6.

On June 6, 2024, Kester filed the Motion and provided notice to all non-settling parties according to section 877.6(a)(2) by certified mail, return receipt requested. (Dkt. 31, 2:22-CV-04557). Any non-settling party who intended to contest the Motion was required to do so within twenty-five days. See Cal. Code Civ. Proc. § 877.6(a)(2). That time lapsed without any non-settling party contesting the Motion. Id.

Accordingly, Kester respectfully requests that the Court grant the Motion and enter an order (1) finding that the settlement between Kester and Plaintiffs is in good faith, (2) dismissing with prejudice all claims against Kester, (3) barring any future claims against Kester based on the allegations in this action; and (4) barring any present or future requests for indemnity or contribution in any form by any party against Kester concerning Plaintiffs' claims in this action.

DATED: July 3, 2024

HAWXHURST LLP

*/s/ Gerald E. Hawxhurst*

---

Gerald E. Hawxhurst (CA SBN 220327)

[jerry@hawxhurstllp.com](mailto:jerry@hawxhurstllp.com)

Kyle Foltyn-Smith (CA SBN 307835)

[kyle@hawxhurstllp.com](mailto:kyle@hawxhurstllp.com)

11111 Santa Monica Blvd., Suite 620

Los Angeles, CA 90025

Tel: (310) 893-5150

Fax: (310) 893-5195

*Attorneys for Defendant Kester, LLC*

**PROOF OF SERVICE**

I hereby certify that on this 3rd day of July, 2024, I electronically filed DEFENDANT KESTER, LLC'S NOTICE OF NO OPPOSITION TO ITS MOTION FOR DETERMINATION OF GOOD FAITH SETTLEMENT with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF.

  
\_\_\_\_\_  
Kyle Foltyn-Smith